

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF OKLAHOMA

In Re:

Case No.

Chapter ____

Debtor(s),

MOTION TO AVOID LIEN WITH
[REAL PROPERTY][PERSONAL PROPERTY]

1. Debtor [name of debtor] commenced this case on [date of petition] by filing a voluntary petition for relief under Chapter ____ of the United States Bankruptcy Code.
2. The Court has jurisdiction pursuant to 28 U.S.C. Sec. 1334 to avoid and cancel the judicial lien held by [name of creditor] on the following [real property][personal property] of the Debtor pursuant to 11 U.S.C. Sec. 522(f). *Attach a legal description, Describe each item of personal property*
3. On or about [date], [name of creditor] obtained a judgment against the Debtor and obtained a lien against the Debtor's real property located at [address of property]. The judgment is entered of record in [case number, case name], in [court name, division and location], date of Entry of Judgement, Instrument Number or Map/Book/Page. The amount of the judgment is \$ [dollar amount] plus court costs and attorneys' fees, which constitutes the amount of the lien.
4. The fair market value of the [real property] [personal property] owned by Debtor and subject to the judicial lien is \$ [dollar amount]. *List each item as appropriate.*
5. The Debtor claimed an exemption as to this property on Schedule____ in the amount of \$ [dollar amount].
6. At the time Debtor filed this bankruptcy petition, the Creditor's judicial lien secured an indebtedness in the amount of \$ [dollar amount].
7. On _____ The Debtor obtained a consumer loan from the creditor in the amount of \$ [dollar amount]. As for security, the Debtor gave _____ a security interest in [personal property] in Debtor's possession. The loan was neither obtained nor used for the purpose of buying said [personal property].
8. The real property is encumbered with the following liens [name of creditor] list mortgages an other liens in order of priority and place an "x" as to the lien to be avoided by this Motion.

<i>Name of Lien Holder</i>	<i>x</i>	<i>Date Lien Recorded</i>	<i>Original Lien Amount</i>	<i>Current Lien Amount</i>	<i>Date of Current Lien</i>

9. Debtor attaches copies of the following document in support of the Motion as appropriate:

10. Debtor declares under penalty of perjury that the foregoing is true and correct.

WHEREFORE, Debtor prays for an order against [name of creditor] avoiding and canceling the judicial lien in the above-mentioned property to the extent of the lien impairs Debtor's exemptions, and for such additional or alternative relief as may be just and proper.

Debtor's Signature Dated:

Debtor's Signature Dated:

Attorney Name, Fed. & State Bar #
Attorney for Movant/Debtor
Address
City, State, Zip Code
Phone: Fax:
e-mail